

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ESTATE OF
ROGER D. OWENSBY JR.,

Plaintiff,

V.

CITY OF CINCINNATI, ET AL.,

Defendants.

Case No. 01-CV-769

Senior Judge S. Arthur Spiegel

**PLAINTIFF'S MOTION FOR LEAVE TO TAKE
DEPOSITIONS IN EXCESS OF THOSE PRESCRIBED BY FED. R. CIV. P. 30(a)(2)(A)**

**HELMER, MARTINS & MORGAN
Co., L.P.A.**

ATTORNEYS AT LAW

Fourth & Walnut Centre, Suite 1900
105 East 4th Street
Cincinnati, Ohio 45202-4008

James B. Helmer, Jr.*
Paul B. Martins
Frederick M. Morgan, Jr.
Julie Webster Popham**
Jennifer M. Verkamp
Robert M. Rice
Donald G. Stiens, Jr.

*Also D.C. Bar

**Also KY Bar

Telephone: (513) 421-2400
Telecopier: (513) 421-7902

Of Counsel:
Robert Clark Neff, Jr.

September 4, 2003

Sent via Facsimile

Neil F. Freund
Vaseem S. Hadi
FREUND, FREEZE & ARNOLD
One Dayton Centre
One South Main Street, Suite 1800
Dayton, Ohio 45402-2017

Geri H. Geiler
Assistant City Solicitor
Room 214, City Hall
801 Plum Street
Cincinnati, Ohio 45202

Donald E. Hardin
HARDIN, LEFTON, LAZARUS & MARKS, LLC
915 Cincinnati Club Building
30 Garfield Place
Cincinnati, Ohio 45202

Dale A. Stalf
BUCKLEY, KING & BLUSO
1320 PNC Center
201 East Fifth Street
Cincinnati, Ohio 45202

Wilson G. Weisenfelder, Jr.
RENDIGS, FRY, KIELY & DENNIS, LLP
900 Fourth & Vine Tower
Cincinnati, Ohio 45202

Ravert J. Clark
114 East Eighth Street
Suite 400
Cincinnati, Ohio 45202

**Re: *Estate of Roger D. Owensby, Jr. v. City of Cincinnati, et al.,*
Case No. 01-CV-769 (S.D. Ohio)**

Dear Counsel:

I write concerning depositions in the above-captioned matter. Civil Rule 30(a)(2)(A) limits the Plaintiff to ten depositions and the Defendants to ten depositions. As everyone is well aware, and as indicated in Plaintiff's response to the City of Cincinnati's interrogatories, there are in excess of thirty known witnesses to the November 7, 2000 incident that resulted in the death of Roger Owensby, Jr. Additionally, there are other witnesses who were not physically present but may have

EXHIBIT A

Neil F. Freund
Geri H. Geiler
Donald E. Hardin
Dale A. Staif
Wilson G. Weisenfelder, Jr.
Ravert J. Clark
September 4, 2003
Page 2

relevant information relating to the case. Finally, there are expert witnesses that will testify in this litigation.

Therefore, I request your consent whereby Plaintiff will be allowed to take thirty fact depositions as well as five expert depositions. Defendants would be afforded the same limits on fact and expert depositions.

Please contact me within the next week as to whether you agree to this proposal. Otherwise, we will simply seek leave of the Court to conduct these depositions.

Sincerely,



Paul B. Martins

PBM:kmr

cc: Mark T. Tillar, Esq.
John J. Helbling, Esq.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
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ROGER D. OWENSBY JR.,

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EXHIBIT B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ESTATE OF
ROGER D. OWENSBY JR., ET AL.,

Plaintiff,

v.

CITY OF CINCINNATI, ET AL.,

Defendants.

Case No. 01-CV-769

Senior Judge S. Arthur Spiegel

**PLAINTIFF'S ANSWERS TO THE FIRST SET OF INTERROGATORIES
PROPOUNDED BY DEFENDANTS CITY OF CINCINNATI,
SHIREY, RYAN, BAKER, STREICHER, HUNTER, SELLERS, AND HODGE,**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff submits the following objections and responses to the above-identified Defendants' First Set of Interrogatories to Plaintiff.

I. GENERAL OBJECTIONS

Plaintiff incorporates these General Objections into each interrogatory response.

A. Plaintiff objects to these interrogatories to the extent that any of them purport to seek information protected by the attorney-client privilege and/or the work product doctrine.

B. Plaintiff objects to these interrogatories to the extent that they seek information that is not relevant, not within the scope of discovery, and not reasonably calculated to lead to the discovery of admissible evidence.

C. The inadvertent production by Plaintiff of information protected by the attorney-client privilege, the work product doctrine, or any other privilege shall not constitute a waiver by Plaintiff of such protection.

21[22]. State the name(s) and address(es) of all witnesses to the accident or occurrence which is the subject matter of the complaint.

Answer: Plaintiff believes that the following individuals have witnessed some or all of the stop and search, the arrest and beating, and the failure to provide prompt and necessary medical attention to Roger D. Owensby, Jr.:

Mr. Saber Ayyad
5465 Kenwood Rd
Cincinnati, OH 45227

Officer Brian A. Brazile
310 Ezzard Charles Drive
Cincinnati, Ohio 45214

Sgt. Shirley L. Browner
310 Ezzard Charles Drive
Cincinnati, Ohio 45214

Officer Chris Campbell
6450 Wiehe Road
Golf Manor, OH 45237-4207

Mr. Patrick Caton
Address Unknown

Mr. Chris Fears
Address Unknown

Officer Alexander H. Hasse
310 Ezzard Charles Drive
Cincinnati, Ohio 45214

Officer Robert Heiland
6450 Wiehe Road
Golf Manor, OH 45237-4207

Officer David W. Hunter Jr.
310 Ezzard Charles Drive
Cincinnati, Ohio 45214

Officer Jason L. Hodge
310 Ezzard Charles Drive
Cincinnati, Ohio 45214

Ms. Keyonta Johnson
Address Unknown

Officer R. Blaine Jorg
950 Locust Corner Road
Cincinnati, OH 45245

Mr. Wessam Khalil
4416 Franklin Ave
Cincinnati, OH 45212

Officer Abraham Lawson
310 Ezzard Charles Drive
Cincinnati, Ohio 45214

Mr. Brian Menefee
1931 Langdon Farm Rd.
Cincinnati, OH 45237

Ms. Katrina Peterson
1990 Westwood Northern Blvd., #337
Cincinnati, OH 45225

Ms. Aerial St. Clair
3445 McHenry Apt 15
Cincinnati, OH 45225

Mr. Yasir Salamah
Address Unknown

Officer Darren V. Sellers
310 Ezzard Charles Drive
Cincinnati, Ohio 45214

Sgt. Julie A. Shearer
310 Ezzard Charles Drive
Cincinnati, OH 45214

Mr. Victor Spellman
Address Unknown

Sgt. William P. Watts
310 Ezzard Charles Drive
Cincinnati, Ohio 45214

Mr. Nathaniel Watson
1931 Langdon Farm Rd.
Cincinnati, OH 45237

Mr. George Weaver
2065 Faith Street
Cincinnati, OH 45237

Ms. Mia Wells
Address unknown

Mr. Donald Whitaker
1931 Langdon Farm Rd.
Cincinnati, OH 45237

Mr. Stephen Williamson
15 Drummond Ct.
Cincinnati, OH 45218

22[23]. State the name(s) and address(es) of all persons who have knowledge of or information relating to the cause of the accident or occurrence more fully described in the complaint.

Answer: Plaintiff incorporates his response to Interrogatory 21 [22] above. Plaintiff believes that the following individuals have knowledge of some or all of the events giving rise to the death of Roger D. Owensby, Jr., at the hands of the Defendants:

Dr. Ballard
234 Goodman Street
Cincinnati, OH 45219

Police Spec. Todd Bruner
310 Ezzard Charles Drive
Cincinnati, Ohio 45214

Ms. Sue Flottemesch
234 Goodman Street
Cincinnati, OH 45219

Mr. Sammy Hilal
2098 Seymour Ave
Roselawn, OH 45237

Officer Renee Hinton
2720 Erlene Dr., # 306
Cincinnati, OH 45238

Connie Moody
Address unknown

Dr. Robert Powers
3159 Eden Ave.
Cincinnati, OH 45219

Dr. Daniel Schultz
3159 Eden Ave.
Cincinnati, OH 45219

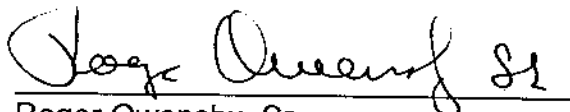
Earl Thomas
Address unknown

Karen Harrison-Tucker
2297 Wolff St.
Cincinnati, OH 45211


Dr. Cyril Wecht
West Penn Building
14 Wood St.
Pittsburgh, PA 15222

I hereby declare, under penalty of perjury under the laws of the United States of America, that the foregoing interrogatory answers are true and accurate to the best of my knowledge, information, and belief.

Aug 5, 2003
Date


Roger Owensby, Sr.
Administrator of the Estate of
Roger D. Owensby, Jr.

As to objections:


Paul B. Martins (0007623)
HELMER, MARTINS & MORGAN CO., L.P.A.
Fourth & Walnut Centre, Suite 1900
105 East Fourth Street
Cincinnati, Ohio 45202
Telephone: (513) 421-2400

Trial Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Plaintiff's Answers to The First Set of Interrogatories, was served by U.S. Mail, postage pre-paid, this the 6th day of August, 2003, upon the following:

Neil F. Freund
Vaseem S. Hadi
FREUND, FREEZE & ARNOLD
One Dayton Centre
One South Main Street, Suite 1800
Dayton, Ohio 45402-2017
Trial Counsel for Defendants City of Cincinnati, John Shirey, Kent A. Ryan, S. Gregory Baker, Thomas Streicher, Jr., Darren Sellers, Jason Hodge

Gloria Sigman
Assistant City Solicitors
Room 214, City Hall
801 Plum Street
Cincinnati, Ohio 45202
Trial Attorney for Defendants John Shirey, Kent A. Ryan, S. Gregory Baker, Thomas Streicher, Jr., Robert B. Jorg, Patrick Caton

Mark T. Tillar
240 Clark Road
Cincinnati, Ohio 45202
Trial Attorney for Plaintiff

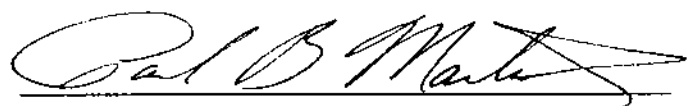
John J. Helbling
3672 Springdale Road
Cincinnati, Ohio 45251
Trial Attorney for Plaintiff

Donald E. Hardin
HARDIN, LEFTON, LAZARUS
& MARKS, LLC
915 Cincinnati Club Building
30 Garfield Place
Cincinnati, Ohio 45202
Trial Attorney for Defendants Robert B. Jorg, Patrick Caton, Darren Sellers, Jason Hodge, and Victor Spellman

Wilson G. Weisenfelder, Jr.
RENDIGS, FRY, KIELY &
DENNIS, LLP
900 Fourth & Vine Tower
Cincinnati, Ohio 45202
Trial Attorney for Defendants City of Golf Manor, Stephen Tilley, Roby Heiland, and Chris Campbell

Dale A. Staf
BUCKLEY, KING & BLUSO
1320 PNC Center
201 East Fifth Street
Cincinnati, Ohio 45202
Counsel for Defendants Huntington Meadows, LTD, and Bryan Menefee

Ravert J. Clark
114 East Eighth Street
Suite 400
Cincinnati, Ohio 45202
Trial Attorney for Defendant David Hunter



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EXHIBIT
C

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
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ESTATE OF
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Case No. 01-CV-769

Senior Judge S. Arthur Spiegel

ORDER

This matter having come before this Court on Plaintiff's Motion for Leave To Take Depositions In Excess Of Those Prescribed By Fed. R. Civ. P. 30(a)(2)(A), considering the arguments and submissions of all the parties and for good cause shown, Plaintiff's Motion is hereby GRANTED.

In accordance with Rule 30(a)(2)(A), Plaintiff is granted leave to take up to thirty fact depositions and five expert depositions. Likewise, Defendants are granted leave to take up to thirty fact depositions and five expert depositions.

SO ORDERED

Date _____

Senior Judge S. Arthur Spiegel
United States District Judge